PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference EH0676-WO	FOR FURTHER ACTION	See item 4 below		
International application No. PCT/EP2005/050211	International filing date (day/month/year) 19 January 2005 (19.01.2005)	Priority date (day/month/year) 20 January 2004 (20.01.2004)		
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237				
Applicant ENDRESS+HAUSER GMBH+CO. KG				

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1.	This international preliminary re International Searching Authorit	port on patentability (Chapter y under Rule 44 bis.1(a).	r I) is issued by the International Bureau on behalf of the			
2.	2. This REPORT consists of a total of 7 sheets, including this cover sheet.					
	In the attached sheets, any refere to the international preliminary r		the International Searching Authority should be read as a reference er I) instead.			
3.	This report contains indications	relating to the following items	5:			
	Box No. I	Basis of the report				
	Box No. II	Priority				
	Box No. III	Non-establishment of opin applicability	ion with regard to novelty, inventive step and industrial			
	Box No. IV	Lack of unity of invention	•			
	Box No. V		Article 35(2) with regard to novelty, inventive step or industrial explanations supporting such statement			
	Box No. VI	Certain documents cited	•			
	Box No. VII	Certain defects in the inter	national application			
	Box No. VIII	Certain observations on the	e international application			
4.	The International Bureau will conot, except where the applicant r date (Rule 44bis .2).	mmunicate this report to desi nakes an express request unde	gnated Offices in accordance with Rules 44his.3(c) and 93his.1 but er Article 23(2), before the expiration of 30 months from the priority			
	·		Date of issuance of this report 03 October 2006 (03.10.2006)			
	The International Burea 34, chemin des Colo 1211 Geneva 20, Sw	ombettes	Authorized officer Ellen Moyse			
Facsin	nile No. +41 22 338 82 70		e-mail: pt05@wipo.int			

Form PCT/IB/373 (January 2004)

PATENT COOPERATION TREATY

TRANSLATION From the INTERNATIONAL SEARCHING AUTHORITY To: WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1) Date of mailing See form PCT/ISA/210 (day/month/year) Applicant's or agent's file reference FOR FURTHER ACTION See paragraph 2 below EH0676-WO International application No. International filing date (day/month/year) Priority date (day/month/year) 20.01.2004 19.01.2005 PCT/EP2005/050211 International Patent Classification (IPC) or both national classification and IPC H01P3/14, H01P3/123 Applicant ENDRESS+HAUSER GMBH+CO. KG This opinion contains indications relating to the following items: Box No. I Basis of the opinion Box No. II Priority Non-establishment of opinion with regard to novelty, inventive step and industrial applicability Box No. III Box No. IV Lack of unity of invention Reasoned statement under Rule 43bis. 1(a)(i) with regard to novelty, inventive step or industrial Box No. V applicability; citations and explanations supporting such statement Box No. VI Certain documents cited Box No. VII Certain defects in the international application Box No. VIII Certain observations on the international application **FURTHER ACTION** If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered. If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCI/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later. For further options, see Form PCT/ISA/220. For further details, see notes to Form PCT/ISA/220. Authorized officer Name and mailing address of the ISA/EP

Telephone No.

Facsinule No.

International application No.
PCT/EP2005/050211

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item. This opinion has been established on the basis of a translation from the original language into the following language which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)). With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of: a. type of material a sequence listing b. format of material in written format in computer readable form c. time of filing/furnishing contained in the international application as filed. filed together with the international application in computer readable form. furnished subsequently to this Authority for the purposes of search. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.	Box	No. I	Busis of this opinion		
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Rule 12.3 and 23.1(b)). 2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of: a. type of material a sequence listing table(s) related to the sequence listing b. format of material in written format in computer readable form c. time of filing/furnishing contained in the international application as filed. filed together with the international application in computer readable form. furnished subsequently to this Authority for the purposes of search. 3. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.					
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b. format of material in written format in computer readable form c. time of filing/furnishing contained in the international application as filed. filed together with the international application in computer readable form. furnished subsequently to this Authority for the purposes of search. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.		a.	type of material		
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contained in the international application as filed. filed together with the international application in computer readable form. furnished subsequently to this Authority for the purposes of search. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.			in computer readable form		
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furnished subsequently to this Authority for the purposes of search. 3. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.			contained in the international application as filed.	•	
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furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed, as appropriate, were furnished.	Ì				
4. Additional comments:	3.		furnished, the required statements that the information in the subsequent or additional co	or table(s) relating the opies is identical to the	ereto has been filed or lat in the application as
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International application No.
PCT/EP2005/050211

Box		Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement				
1.	Statement	-				
	Novelty (N)	Claims	5,7-10,13-18,20-23	YES		
		Claims	1-4,6,11,12,19	NO		
	Inventive step (IS)	Claims	·	YES		
		Claims	1-23	NO .		
	Industrial applicability (IA)	Claims	1-23	YES		
. .		Claims	·	NO		
l						

- 2. Citations and explanations:
 - 1. Reference is made to the following documents:
 - D1: US-A-3 444 487 (WOLFGANG KRANK *ET AL*.) 13 May 1969 (1969-05-13)
 - D2: US 2001/049266 A1 (HAYATA KAZUKI *ET AL*.) 6
 December 2001 (2001-12-06)
 - D3: DE 72 47 526 U (FELTEN & GUILLEAUME KABELWERKE AG) 12 April 1973 (1973-04-12)
 - D4: US-A-4 468 672 (DRAGONE *ET AL*.) 28 August 1984 (1984-08-28)
 - 2. The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claims 1-4, 6, 11, 12, 19 is not novel within the meaning of PCT Article 33(2).
 - 2.1. D1 discloses (the references between parentheses
 relate to said document):
 - a microwave-guiding arrangement (column 1, line 24), characterized in that it comprises a non-conductive body (drawing 5, (1)), one or more electrically conductive layers (drawing 5, (2)) being at least partially applied to the surface of said body, which surface has any desired shape.

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

The same grounds apply correspondingly to independent claim 19. The subject matter of claims 1 and 19 is thus not novel (PCT Article 33(2)).

2.2. Dependent claims 2-4, 6, 11, 12 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty (the references relate to D1):

Claims 2-4, 6: column 1, lines 24-26, column 3, lines 21-22, column 5, lines 3-4.
Claims 11, 12: drawings 5 and 6.

- 3. The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claims 5, 7-10, 13-18, 20-23 does not involve an inventive step within the meaning of PCT Article 33(3).
- 3.1. As regards the features of claims 7-10, 20-23, D2, paragraph [0152] describes the same advantages as the present application. A person skilled in the art would therefore consider the inclusion of this feature in the microwave-guiding arrangement described in D1 to be a routine design measure for metallizing the surface of the body.
- 3.2. The features of claims 13, 15, 16 (see D3, page 4, lines 10-22) and claims 5 and 17 (see D1, lines 56-57 and D4, column 2, lines 44-64, drawing 2) are only one of several obvious possibilities from which

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

a person skilled in the art would choose according to the circumstances in order to deal with the bodies which are metallized on the outside and inside, without thereby being inventive.

3.3. D1 is regarded as being the prior art closest to the subject matter of claim 14.

Therefore, the subject matter of claim 14 differs from the known microwave-guiding arrangement by virtue of the fact that:

- 1) it is a funnel-shaped
- 2) plastic body which is metallized on the inside.

Feature 1) is only one of several obvious possibilities (for example see D4, lines 6-12) from which a person skilled in the art would choose according to the circumstances in order to widen a signal, without thereby being inventive.

The same grounds correspondingly apply to claim 18.

Feature 2) is only one of several obvious possibilities from which a person skilled in the art would choose according to the circumstances (for example see D2, paragraph [0151]) in order to produce the bodies which are metallized on the outside and inside, without thereby being inventive.

In this case, the applicant can see that claims 14 and 18 merely "place features side by side or string them together" and are not aimed at a real combination; therefore, stringing the features

International application No.
PCT/EP2005/050211

Box No. V	citations and expla	anations suppor	ting such statem	ent	to novelty, inventive		
	together d	oes not	involve	an	inventive	step	(PCT
	Guidelines	, 13.05).				
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PATENT COOPERATION TREATY

TRANSLATION From the INTERNATIONAL SEARCHING AUTHORITY To: WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1) Date of mailing See form PCT/ISA/210 (day/month/year) Applicant's or agent's file reference FOR FURTHER ACTION See paragraph 2 below EH0676-WO International filing date (day/month/year) Priority date (day/month/year) International application No. 19.01.2005 20.01.2004 PCT/EP2005/050211 International Patent Classification (IPC) or both national classification and IPC H01P3/14, H01P3/123 Applicant-ENDRESS+HAUSER GMBH+CO. KG This opinion contains indications relating to the following items: Box No. I Basis of the opinion Rox No. II Priority Non-establishment of opinion with regard to novelty, inventive step and industrial applicability Box No. III Box No. IV Lack of unity of invention Reasoned statement under Rule 43bis. 1(a)(i) with regard to novelty, inventive step or industrial Box No. V applicability; citations and explanations supporting such statement Box No. VI Certain documents cited Box No. VII Certain defects in the international application Box No. VIII Certain observations on the international application **FURTHER ACTION** If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered. If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later. For further options, see Form PCT/ISA/220. For further details, see notes to Form PCT/ISA/220. Name and mailing address of the ISA/EP Authorized officer

Telephone No

Facsimile No.

International application No.
PCT/EP2005/050211

Box	No. I	Basis of this opinion
1.	With filed,	regard to the language, this opinion has been established on the basis of the international application in the language in which it was unless otherwise indicated under this item.
		This opinion has been established on the basis of a translation from the original language into the following language
	_	, which is the language of a translation furnished for the purposes of international search (under
		Rule 12.3 and 23.1(b)).
2.	With	regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed tion, this opinion has been established on the basis of:
	a.	type of material .
		a sequence listing
	1	table(s) related to the sequence listing
	ь.	format of material
		in written format
		in computer readable form
	c.	time of filing/furnishing
		contained in the international application as filed.
		filed together with the international application in computer readable form.
		furnished subsequently to this Authority for the purposes of search.
		In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or
3.	ш	furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as
		filed or does not go beyond the application as filed, as appropriate, were furnished.
4.	∧ddi	tional comments:
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International application No.
PCT/EP2005/050211

Вох	No. V Reasoned statemer	nt under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability anations supporting such statement	;
1.	Statement		
	Novelty (N)	Claims 5,7-10,13-18,20-23	YES
		Claims 1-4, 6, 11, 12, 19	мо
	Inventive step (IS)	Claims	YES
		Claims 1-23	NO
	Industrial applicability (IA)	Claims 1-23	YES
	арричини, (,	Claims 1-23	_ NO
2.	Citations and explanations:		
	1. Reference	is made to the following documents:	
	D1: US-A	-3 444 487 (WOLFGANG KRANK ET AL.) 13 May	
1	1969	(1969-05-13)	
	D2: US 2	001/049266 A1 (HAYATA KAZUKI <i>ET AL</i> .) 6	
	Dece	mber 2001 (2001-12-06)	
	D3: DE 7	2 47 526 U (FELTEN & GUILLEAUME KABELWERKE	
	. AG)	12 April 1973 (1973-04-12)	
	D4: US-A	-4 468 672 (DRAGONE ET AL.) 28 August 1984	
	(198	4-08-28)	
	2. The presen	t application does not meet the	
	requiremen	its of PCT Article 33(1) because the	
	subject ma	tter of claims 1-4, 6, 11, 12, 19 is not	
l	novel with	in the meaning of PCT Article 33(2).	
	2.1. D1 disclos	es (the references between parentheses	
	relate to	said document):	
		e-guiding arrangement (column 1, line 24),	
		zed in that it comprises a non-conductive	
		ring 5, (1)), one or more electrically	
		e layers (drawing 5, (2)) being at least	
		applied to the surface of said body, which	

surface has any desired shape.

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

The same grounds apply correspondingly to independent claim 19. The subject matter of claims 1 and 19 is thus not novel (PCT Article 33(2)).

2.2. Dependent claims 2-4, 6, 11, 12 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty (the references relate to D1):

Claims 2-4, 6: column 1, lines 24-26, column 3, lines 21-22, column 5, lines 3-4.
Claims 11, 12: drawings 5 and 6.

- 3. The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claims 5, 7-10, 13-18, 20-23 does not involve an inventive step within the meaning of PCT Article 33(3).
- 3.1. As regards the features of claims 7-10, 20-23, D2, paragraph [0152] describes the same advantages as the present application. A person skilled in the art would therefore consider the inclusion of this feature in the microwave-guiding arrangement described in D1 to be a routine design measure for metallizing the surface of the body.
- 3.2. The features of claims 13, 15, 16 (see D3, page 4, lines 10-22) and claims 5 and 17 (see D1, lines 56-57 and D4, column 2, lines 44-64, drawing 2) are only one of several obvious possibilities from which

International application No.
PCT/EP2005/050211

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

a person skilled in the art would choose according to the circumstances in order to deal with the bodies which are metallized on the outside and inside, without thereby being inventive.

3.3. D1 is regarded as being the prior art closest to the subject matter of claim 14.

Therefore, the subject matter of claim 14 differs from the known microwave-guiding arrangement by virtue of the fact that:

- 1) it is a funnel-shaped
- 2) plastic body which is metallized on the inside.

Feature 1) is only one of several obvious possibilities (for example see D4, lines 6-12) from which a person skilled in the art would choose according to the circumstances in order to widen a signal, without thereby being inventive.

The same grounds correspondingly apply to claim 18.

Feature 2) is only one of several obvious possibilities from which a person skilled in the art would choose according to the circumstances (for example see D2, paragraph [0151]) in order to produce the bodies which are metallized on the outside and inside, without thereby being inventive.

In this case, the applicant can see that claims 14 and 18 merely "place features side by side or string them together" and are not aimed at a real combination; therefore, stringing the features

International application No.
PCT/EP2005/050211

Box No. V	citations and e	xplanations supp	orting such statem	ent	to novelty, inventive			y;
	together	does no	t involve	an	inventive	step	(PCT	
	Guideline	es, 13.0	5).					
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PATENT COOPERATION TREATY

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

. (PCT Rule 44bis)

Applicant's or agent's file reference EH0676-WO	FOR FURTHER ACTION	See item 4 below				
International application No. PCT/EP2005/050211	International filing date (day/month/year) 19 January 2005 (19.01.2005)	Priority date (day/month/year) 20 January 2004 (20.01.2004)				
International Patent Classification (8th See relevant information in Form F	International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237					
Applicant ENDRESS+HAUSER GMBH+CO. KG						

1.	This international preliminary r International Searching Author	report on patentability (Chapter ity under Rule 44 bis. 1(a).	I) is issued by the International Bureau on behalf of the
2.	This REPORT consists of a total In the attached sheets, any refet to the international preliminary	rence to the written opinion of	the International Searching Authority should be read as a reference
3.	This report contains indications	s relating to the following items	s: ·
	Box No. I	Basis of the report	1
	Box No. II	Priority	
	Box No. III	Non-establishment of opin applicability	nion with regard to novelty, inventive step and industrial
	Box No. IV	Lack of unity of invention	
	Box No. V	Reasoned statement under applicability; citations and	Article 35(2) with regard to novelty, inventive step or industrial explanations supporting such statement
	Box No. VI	Certain documents cited	
	Box No. VII	Certain defects in the inter	national application
	Box No. VIII	Certain observations on th	e international application
4.	The International Bureau will onot, except where the applicandate (Rule 44bis .2).	communicate this report to desi t makes an express request und	ignated Offices in accordance with Rules 44his.3(c) and 93his.1 but er Article 23(2), before the expiration of 30 months from the priority
		•	Date of issuance of this report
		<u> </u>	24 July 2006 (24.07.2006)
	The International Bu 34, chemin des Co 1211 Geneva 20, S	olombettes	Authorized officer Ellen Moyse
 Pacsi	imile No. +41 22 338 82 70	•	e-mail: pt05@wipo.int

Form PCT/IB/373 (January 2004)

VERTRAG ÜBER DIE INTERNATIONALE ZUSAMMENARBEIT AUF DEM GEBIET DES PATENTWESENS

INTERNATIONALE RECHERCHENBEHÖRDE Absender: An: SCHRIFTLICHER BESCHEID DER siehe Formular PCT/ISA/220 INTERNATIONALEN RECHERCHENBEHÖRDE (Regel 43bis 1 PCT) Absendedatum (Tag/Monat/Jahr) slehe Formular PCT/ISA/210 (Blatt 2) Aktenzeichen des Anmelders oder Anwalts **WEITERES VORGEHEN** siehe Formular PCT/ISA/220 siehe Punkt 2 unten Internationales Aktenzeichen Internationales Anmeldedatum (Tag/Monat/Jahr) Prioritätsdatum (TagMonatVahr) PCT/EP2005/050211 20.01.2004 Internationale Patentklassifikation (IPK) oder nationale Klassifikation und IPK H01P3/14, H01P3/123 Anmelder ENDRESS + HAUSER GMBH & CO. KG Dieser Bescheid enthält Angaben zu folgenden Punkten: Feld Nr. I Grundlage des Bescheids Feld Nr. II Priorität ☐ Feld Nr. III Kelne Erstellung eines Gutachtens über Neuheit, erfinderische Tätigkeit und gewerbliche Anwendbarkeit ☐ Feld Nr. IV Mangeinde Einheitlichkeit der Erfindung ☑ Feld Nr. V Begründete Feststellung nach Regel 43bis.1(a)(i) hinsichtlich der Neuheit, der erfinderlschen Tätigkeit und der gewerblichen Anwendbarkeit; Unterlagen und Erklärungen zur Stützung dieser Feststellung Feld Nr. VI Bestimmte angeführte Unterlagen Feld Nr. VII Bestimmte Mängel der internationalen Anmeldung ☐ Feld Nr. VIII Bestimmte Bemerkungen zur Internationalen Anmeldung 2. WEITERES VORGEHEN Wird ein Antrag auf Internationale vorläufige Prüfung gestellt, so gilt dieser Bescheid als schriftlicher Bescheid der mit der Internationalen vorläufigen Prüfung beauftragten Behörde ("IPEA"); dies trifft nicht zu, wenn der Anmelder eine andere Behörde als diese als IPEA wählt und die gewählte IPEA dem Internationale Büro nach Regel 66.1bis b) mitgeteilt hat, daß schriftliche Bescheide dieser Internationalen Recherchenbehörde nicht anerkannt werden. Wenn dieser Bescheid wie oben vorgesehen als schriftlicher Bescheld der IPEA gilt, so wird der Anmelder aufgefordert, bei der IPEA vor Ablauf von 3 Monaten ab dem Tag, an dem das Formblatt PCT/ISA/220 abgesandt wurde oder vor Ablauf von 22 Monaten ab dem Prioritätsdatum, je nachdem, welche Frist später abläuft, eine schriftliche Stellungnahme und, wo dies angebracht ist, Änderungen einzureichen. Weitere Optionen siehe Formblatt PCT/ISA/220. 3. Nähere Einzelheiten siehe die Anmerkungen zu Formblatt PCT/ISA/220.

Name und Postanschrift der mit der Internationalen Recherchenbehörde

Bevollmächtigter Bediensteter

<u>)</u>

Europäisches Patentamt - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016

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SCHRIFTLICHER BESCHEID DER INTERNATIONALEN RECHERCHEBEHÖRDE

Internationales Aktenzeichen PCT/EP2005/050211

_			
_	Fe	ld N	r. I Grundlage des Bescheids
1.	Hir ers	nsich stellt	ntlich der Sprache ist der Bescheid auf der Grundlage der internationalen Anmeldung in der Sprache worden, in der sie eingereicht wurde, sofern unter diesem Punkt nichts anderes angegeben ist.
		е	er Bescheid ist auf der Grundlage einer Übersetzung aus der Originalsprache in die folgende Sprache instellt worden, bei der es sich um die Sprache der Übersetzung handelt, die für die Zwecke der ernationalen Recherche eingereicht worden ist (gemäß Regeln 12.3 und 23.1 b)).
2.	wu	nsich rde rder	ntlich der Nucleotid- und/oder Aminosäuresequenz, die in der internationalen Anmeldung offenbart und für die beanspruchte Erfindung erforderlich ist, ist der Bescheid auf folgender Grundlage erstellt i:
	a. /	Art c	les Materials
			Sequenzprotokoll
			Tabelle(n) zum Sequenzprotokoll
	b. I	Forn	n des Materials
			in schriftlicher Form
			in computerlesbarer Form
	c. Z	Zeitp	ounkt der Einreichung
			in der eingereichten internationalen Anmeldung enthalten
			zusammen mit der internationalen Anmeldung in computerlesbarer Form eingereicht
			bei der Behörde nachträglich für die Zwecke der Recherche eingereicht
3.		ein	urden mehr als eine Version oder Kopie eines Sequenzprotokolls und/oder einer dazugehörigen Tabelle igereicht, so sind zusätzlich die erforderlichen Erklärungen, daß die Information in den nachgereichten er zusätzlichen Kopien mit der Information in der Anmeldung in der eingereichten Fassung übereinstimmt w. nicht über sie hinausgeht, vorgelegt worden.
4.	Zus	sätzl	iche Bemerkungen:

Feld Nr. V Begründete Feststellung nach Regel 43*bls*.1(a)(i) hinsichtlich der Neuhelt, der erfinderischen Tätigkeit und der gewerblichen Anwendbarkeit; Unterlagen und Erklärungen zur Stützung dieser Feststellung

1. Feststellung

Neuheit

Ja: Ansprüche 5,7-10,13-18,20-23

Nein: Ansprüche 1-4,6,11,12,19

Erfinderische Tätigkeit

Ja: Ansprüche

Nein: Ansprüche 1-23

Gewerbliche Anwendbarkeit

a: Ansprüche: 1-23

Nein: Ansprüche:

2. Unterlagen und Erklärungen:

slehe Beiblatt

Zu Punkt V

Begründete Feststellung hinsichtlich der Neuheit, der erfinderischen Tätigkeit und der gewerblichen Anwendbarkeit; Unterlagen und Erklärungen zur Stützung dieser Feststellung

- 1. Es wird auf die folgenden Dokumente verwiesen:
 - D1: US-A-3 444 487 (WOLFGANG KRANK ET AL) 13. Mai 1969 (1969-05-13)
 - D2: US 2001/049266 A1 (HAYATA KAZUKI ET AL) 6. Dezember 2001 (2001-12-06)
 - D3: DE 72 47 526 U (FELTEN & GUILLEAUME KABELWERKE AG) 12. April 1973 (1973-04-12)
 - D4: US-A-4 468 672 (DRAGONE ET AL) 28. August 1984 (1984-08-28)
- 2. Die vorliegende Anmeldung erfüllt nicht die Erfordernisse des Artikels 33(1) PCT, weil der Gegenstand der Ansprüche 1-4, 6, 11, 12, 19 im Sinne von Artikel 33(2) PCT nicht neu ist.
- 2.1. Dokument D1 offenbart (die Verweise in Klammern beziehen sich auf dieses Dokument):
 - Mikrowellenleitende Anordnung (Spalte 1, Zeile 24), dadurch gekennzeichnet, daß sie einen nichtleiten-den Körper umfaßt (Zeichnung 5, (1)), auf dessen beliebig geformter Oberfläche wenigstens teilweise eine oder mehrere elektrisch leitende Schichten aufgebracht sind (Zeichnung 5, (2)).
 - Die gleiche Begründung gilt entsprechend für den unabhängigen Anspruch 19. Der Gegenstand des Anspruchs 1 und 19 ist daher nicht neu (Artikel 33(2) PCT).
- 2.2. Die abhängigen Ansprüche 2-4, 6, 11, 12 enthalten keine Merkmale, die in Kombination mit den Merkmalen irgendeines Anspruchs, auf den sie sich beziehen, die Erfordernisse des PCT in bezug auf Neuheit erfüllen (die Verweise beziehen sich auf Dokument D1):
 - Ansprüche 2-4, 6: Spalte 1, Zeilen 24-26, Spalte 3, Zeilen 21-22, Spalte 5, Zeilen 3-4. Ansprüche 11, 12: Zeichnungen 5 und 6.
- 3. Die vorliegende Anmeldung erfüllt nicht die Erfordernisse des Artikels 33(1) PCT, weil

der Gegenstand der Ansprüche 5, 7-10, 13-18, 20-23 nicht auf einer erfinderischen Tätigkeit im Sinne von Artikel 33(3) beruht.

- 3.1. Dokument D2, Absatz [0152] beschreibt hinsichtlich den Merkmalen von Ansprüche 7-10, 20-23 dieselben Vorteile wie die vorliegende Anmeldung. Der Fachmann würde daher die Aufnahme dieses Merkmals in das in Mikrowellenleitende Anordnung beschriebene D1 als eine übliche konstruktive Maßnahme zur metallisieren der Oberfläche des Körpers.
- 3.2. Bei den Merkmalen den Ansprüche 13, 15, 16 (siehe Dokument D3, Seite 4, Zeilen 10-22) und Ansprüche 5 und 17 (siehe Dokument D1, Zeilen 56-57 und Dokument D4, Spalte 2, Zeilen 44-64, Zeichnung 2) handelen es sich nur um eine von mehreren naheliegenden Möglichkeiten, aus denen der Fachmann ohne erfinderisches Zutun den Umständen entsprechend auswählen würde, um die außen und innen metallisierte Körper handelt.
- 3.3. Das Dokument D1 wird als nächstliegender Stand der Technik gegenüber dem Gegenstand des Anspruchs 14 angesehen.

Der Gegenstand des Anspruchs 14 unterscheidet sich daher von der bekannten Mikrowellenleitenden Anordnung dadurch, daß:

- 1) es sich einen trichterförmigen hat;
- 2) innen metallisierten Kunststoff-Körper handelt;

Bei dem Merkmal 1) handelt es sich nur um eine von mehreren naheliegenden Möglichkeiten (zum Beispiel, siehe D4, Zeilen 6-12), aus denen der Fachmann ohne erfinderisches Zutun den Umständen entsprechend auswählen würde, um ein Signal zu verbreiten.

Die gleiche Begründung gilt entsprechend für den Anspruch 18.

Bei dem Merkmal 2) handelt es sich nur um eine von mehreren naheliegenden Möglichkeiten, aus denen der Fachmann ohne erfinderisches Zutun den Umständen entsprechend auswählen würde (zum Beispiel, siehe D2, Absatz [0151]), um die außen und innen Körper zu herstellen.

SCHRIFTLICHER BESCHEID DER INTERNATIONALEN RECHERCHEBEHÖRDE (BEIBLATT)

Internationales Aktenzeichen

PCT/EP2005/050211

Hier kann der Anmelder sehen daß die Ansprüche 14 und 18 eine bloße "Nebeneinanderstellung oder Aneinanderreihung" von Merkmalen ist und nicht auf eine echte Kombination gerichtet ist, daher die Aneinanderreihung der Merkmale nicht auf einer erfinderischen Tätigkeit beruht (PCT Richtlinien, 13.05).

VERTRAG ÜBER DIE INTERNATIONALE ZUSAMMENARBEIT AUF DEM GEBIET DES PATENTWESENS

INTERNATIONALE RECHERCHENBEHÖRDE Absender: An: PG. SCHRIFTLICHER BESCHEID DER siehe Formular PCT/ISA/220 INTERNATIONALEN RECHERCHENBEHÖRDE (Regel 43bis.1 PCT) Absendedatum -(TagMonaWahr) siehe Formular PCT/ISA/210 (Blatt 2) Aktenzeichen des Anmelders oder Anwalts **WEITERES VORGEHEN** siehe Formular PCT/ISA/220 siehe Punkt 2 unten Internationales Aktenzeichen Prioritätsdatum (TagMonatVahr) Internationales Anmeldedatum (Tag/Monat/Jahr) PCT/EP2005/050211 19.01.2005 20.01.2004 Internationale Patentklassifikation (IPK) oder nationale Klassifikation und IPK H01P3/14, H01P3/123 Anmelder ENDRESS + HAUSER GMBH & CO. KG Dieser Bescheid enthält Angaben zu folgenden Punkten: Feld Nr. I Grundlage des Bescheids ☐ Feld Nr. II Priorität ☐ Feld Nr. III Keine Erstellung eines Gutachtens über Neuheit, erfinderische Tätigkeit und gewerbliche Anwendbarkeit ☐ Feld Nr. IV Mangelnde Einheitlichkeit der Erfindung ☑ Feld Nr. V Begründete Feststellung nach Regel 43bis.1(a)(i) hinsichtlich der Neuheit, der erfinderischen Tätigkeit und der gewerblichen Anwendbarkeit; Unterlagen und Erklärungen zur Stützung dieser Feststellung ☐ Feld Nr. VI Bestimmte angeführte Unterlagen ☐ Feld Nr. VII Bestimmte Mängel der internationalen Anmeldung ☐ Feld Nr. VIII Bestimmte Bemerkungen zur Internationalen Anmeldung 2. **WEITERES VORGEHEN** Wird ein Antrag auf Internationale vorläufige Prüfung gestellt, so gilt dieser Bescheid als schriftlicher Bescheid der mit der Internationalen vorläufigen Prüfung beauftragten Behörde ("IPEA"); dies trifft nicht zu, wenn der Anmelder eine andere Behörde als diese als IPEA wählt und die gewählte IPEA dem Internationale Büro nach Regel 66.1bis b) mitgeteilt hat, daß schriftliche Beschelde dieser Internationalen Recherchenbehörde nicht anerkannt werden. Wenn dieser Bescheid wie oben vorgesehen als schriftlicher Bescheid der IPEA gilt, so wird der Anmeider aufgefordert, bei der IPEA vor Ablauf von 3 Monaten ab dem Tag, an dem das Formblatt PCT/ISA/220 abgesandt wurde oder vor Ablauf von 22 Monaten ab dem Prioritätsdatum, je nachdem, welche Frist später abläuft, eine schriftliche Stellungnahme und, wo dies angebracht ist, Änderungen einzureichen. Weltere Optionen siehe Formblatt PCT/ISA/220. 3. Nähere Einzelheiten siehe die Anmerkungen zu Formblatt PCT/ISA/220.

Name und Postanschrift der mit der Internationalen Recherchenbehörde

Bevollmächtigter Bediensteter

<u>)</u>

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SCHRIFTLICHER BESCHEID DER INTERNATIONALEN RECHERCHEBEHÖRDE

Internationales Aktenzeichen PCT/EP2005/050211

_	Fe	ld Nr.	I Grundlage des Bescheids
1.	Hir ers	nsichtl stellt w	lich der Sprache ist der Bescheid auf der Grundlage der internationalen Anmeldung in der Sprache vorden, in der sie eingereicht wurde, sofern unter diesem Punkt nichts anderes angegeben ist.
		ers	Bescheid ist auf der Grundlage einer Übersetzung aus der Originalsprache in die folgende Sprache stellt worden, bei der es sich um die Sprache der Übersetzung handelt, die für die Zwecke der rnationalen Recherche eingereicht worden ist (gemäß Regeln 12.3 und 23.1 b)).
2.	wu	nsichtl irde ui irden:	ich der Nucleotid- und/oder Aminosäuresequenz, die in der internationalen Anmeldung offenbart nd für die beanspruchte Erfindung erforderlich ist, ist der Bescheid auf folgender Grundlage erstellt
	a. /	Art de	s Materials
			Sequenzprotokoli
		ו ָם	Fabelle(n) zum Sequenzprotokoll
	b. I	Form	des Materials
		🗆 iı	n schriftlicher Form
		O ii	n computerlesbarer Form
	c. 2	Zeitpu	nkt der Einreichung
		□ iı	n der eingereichten internationalen Anmeldung enthalten
		□ z	usammen mit der Internationalen Anmeldung in computerlesbarer Form eingereicht
			ei der Behörde nachträglich für die Zwecke der Recherche elngereicht
3.	<u>.</u>	eing oder	den mehr als eine Version oder Kopie eines Sequenzprotokolls und/oder einer dazugehörigen Tabelle ereicht, so sind zusätzlich die erforderlichen Erklärungen, daß die Information in den nachgereichten zusätzlichen Kopien mit der Information in der Anmeldung in der eingereichten Fassung übereinstimmt nicht über sie hinausgeht, vorgelegt worden.
4.	Zus	sätzlic	he Bemerkungen:

Feld Nr. V Begründete Feststellung nach Regel 43*bls*.1(a)(i) hinsichtlich der Neuhelt, der erfinderischen Tätigkeit und der gewerblichen Anwendbarkeit; Unterlagen und Erklärungen zur Stützung dieser Feststellung

1. Feststellung

Neuheit

Ja:

Ansprüche 5,7-10,13-18,20-23

Nein: Ansprüche 1-4,6,11,12,19

Erfinderische Tätigkeit

Ja: Ansprüche

Nein: Ansprüche 1-23

Gewerbliche Anwendbarkeit

Ansprüche: 1-23

Nein: Ansprüche:

2. Unterlagen und Erklärungen:

slehe Beiblatt

Zu Punkt V

Begründete Feststellung hinsichtlich der Neuheit, der erfinderischen Tätigkeit und der gewerblichen Anwendbarkeit; Unterlagen und Erklärungen zur Stützung dieser Feststellung

- 1. Es wird auf die folgenden Dokumente verwiesen:
 - D1: US-A-3 444 487 (WOLFGANG KRANK ET AL) 13. Mai 1969 (1969-05-13)
 - D2: US 2001/049266 A1 (HAYATA KAZUKI ET AL) 6. Dezember 2001 (2001-12-06)
 - D3: DE 72 47 526 U (FELTEN & GUILLEAUME KABELWERKE AG) 12. April 1973 (1973-04-12)
 - D4: US-A-4 468 672 (DRAGONE ET AL) 28. August 1984 (1984-08-28)
- 2. Die vorliegende Anmeldung erfüllt nicht die Erfordernisse des Artikels 33(1) PCT, weil der Gegenstand der Ansprüche 1-4, 6, 11, 12, 19 im Sinne von Artikel 33(2) PCT nicht neu ist.
- 2.1. Dokument D1 offenbart (die Verweise in Klammern beziehen sich auf dieses Dokument):
 - Mikrowellenleitende Anordnung (Spalte 1, Zeile 24), dadurch gekennzeichnet, daß sie einen nichtleiten-den Körper umfaßt (Zeichnung 5, (1)), auf dessen beliebig geformter Oberfläche wenigstens teilweise eine oder mehrere elektrisch leitende Schichten aufgebracht sind (Zeichnung 5, (2)).
 - Die gleiche Begründung gilt entsprechend für den unabhängigen Anspruch 19. Der Gegenstand des Anspruchs 1 und 19 ist daher nicht neu (Artikel 33(2) PCT).
- 2.2. Die abhängigen Ansprüche 2-4, 6, 11, 12 enthalten keine Merkmale, die in Kombination mit den Merkmalen irgendeines Anspruchs, auf den sie sich beziehen, die Erfordernisse des PCT in bezug auf Neuheit erfüllen (die Verweise beziehen sich auf Dokument D1):
 - Ansprüche 2-4, 6: Spalte 1, Zeilen 24-26, Spalte 3, Zeilen 21-22, Spalte 5, Zeilen 3-4. Ansprüche 11, 12: Zeichnungen 5 und 6.
- 3. Die vorliegende Anmeldung erfüllt nicht die Erfordernisse des Artikels 33(1) PCT, weil

der Gegenstand der Ansprüche 5, 7-10, 13-18, 20-23 nicht auf einer erfinderischen Tätigkeit im Sinne von Artikel 33(3) beruht.

- 3.1. Dokument D2, Absatz [0152] beschreibt hinsichtlich den Merkmalen von Ansprüche 7-10, 20-23 dieselben Vorteile wie die vorliegende Anmeldung. Der Fachmann würde daher die Aufnahme dieses Merkmals in das in Mikrowellenleitende Anordnung beschriebene D1 als eine übliche konstruktive Maßnahme zur metallisieren der Oberfläche des Körpers.
- 3.2. Bei den Merkmalen den Ansprüche 13, 15, 16 (siehe Dokument D3, Seite 4, Zeilen 10-22) und Ansprüche 5 und 17 (siehe Dokument D1, Zeilen 56-57 und Dokument D4, Spalte 2, Zeilen 44-64, Zeichnung 2) handelen es sich nur um eine von mehreren naheliegenden Möglichkeiten, aus denen der Fachmann ohne erfinderisches Zutun den Umständen entsprechend auswählen würde, um die außen und innen metallisierte Körper handelt.
- 3.3. Das Dokument D1 wird als nächstliegender Stand der Technik gegenüber dem Gegenstand des Anspruchs 14 angesehen.

Der Gegenstand des Anspruchs 14 unterscheidet sich daher von der bekannten Mikrowellenleitenden Anordnung dadurch, daß:

- 1) es sich einen trichterförmigen hat;
- 2) innen metallisierten Kunststoff-Körper handelt;

Bei dem Merkmal 1) handelt es sich nur um eine von mehreren naheliegenden Möglichkeiten (zum Beispiel, siehe D4, Zeilen 6-12), aus denen der Fachmann ohne erfinderisches Zutun den Umständen entsprechend auswählen würde, um ein Signal zu verbreiten.

Die gleiche Begründung gilt entsprechend für den Anspruch 18.

Bei dem Merkmal 2) handelt es sich nur um eine von mehreren naheliegenden Möglichkeiten, aus denen der Fachmann ohne erfinderisches Zutun den Umständen entsprechend auswählen würde (zum Beispiel, siehe D2, Absatz [0151]), um die außen und innen Körper zu herstellen.

SCHRIFTLICHER BESCHEID DER INTERNATIONALEN RECHERCHEBEHÖRDE (BEIBLATT)

Internationales Aktenzeichen

PCT/EP2005/050211

Hier kann der Anmelder sehen daß die Ansprüche 14 und 18 eine bloße "Nebeneinanderstellung oder Aneinanderreihung" von Merkmalen ist und nicht auf eine echte Kombination gerichtet ist, daher die Aneinanderreihung der Merkmale nicht auf einer erfinderischen Tätigkeit beruht (PCT Richtlinien, 13.05).